

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CHRISTIAN M. FULKERSON,

Plaintiff,

v.

THRIVE MARKET, INC.

Defendant.

Case No. 3:20-cv-00241-MMD-CLB

ORDER

Plaintiff Christian M. Fulkerson attempts to sue Defendant Thrive Market, Inc., alleging employment discrimination. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 3), recommending that the Court dismiss this case without prejudice because “a *pro se* party cannot represent another *pro se* party” (*id.* at 4). To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R and will dismiss this case.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the Court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” *Id.* Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“*de novo* review of the magistrate judges’ findings and recommendations is required if, but only if, one or both parties file objections to the findings and recommendations.”); Fed. R. Civ. P. 72, Advisory

1 Committee Notes (1983) (providing that the court “need only satisfy itself that there is no  
2 clear error on the face of the record in order to accept the recommendation”).

3 While Plaintiff has failed to object to Judge Baldwin’s Recommendation to dismiss  
4 this case without prejudice, the Court will conduct a *de novo* review to determine whether  
5 to adopt the R&R. Judge Baldwin noted that Heath Fulkerson purports to be Plaintiff’s  
6 attorney, but Heath Fulkerson, who is well-known to the Court from filing several recent  
7 cases, is not an attorney. (ECF No. 3 at 3-4.) Judge Baldwin thus concluded, “[b]ecause  
8 a *pro se* party cannot represent another *pro se* party, the court recommends that this  
9 action be dismissed, without prejudice, to allow Christian Fulkerson to file an application  
10 to proceed in forma pauperis and initiate this lawsuit on her own behalf.” (*Id.* at 4.) Having  
11 reviewed the R&R and the Complaint (ECF No. 1-1), the Court agrees with Judge  
12 Baldwin.

13 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF  
14 No. 3) is accepted and adopted in full.

15 It is further ordered that Plaintiff’s Complaint (ECF No. 1-1) is dismissed, in its  
16 entirety, without prejudice.

17 The Clerk of Court is directed to file the Complaint (ECF No. 1-1).

18 The Clerk of Court is further directed to enter judgment accordingly and close this  
19 case.

20 DATED THIS 6<sup>th</sup> day of July 2020.



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22 MIRANDA M. DU  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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